

ESTTA Tracking number: **ESTTA637510**

Filing date: **11/06/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91215813
Party	Defendant International Pastry Concepts LLC
Correspondence Address	CANDICE COOK CA-CO GLOBAL INC./THE COOK LAW GROUP 77 WATER ST FL 8 NEW YORK, NY 10005-4418 UNITED STATES csc@ca-coglobalinc.com;candicescook@hotmail.com
Submission	Answer
Filer's Name	Candice S. Cook
Filer's e-mail	csc@ca-coglobalinc.com
Signature	/Candice S Cook/
Date	11/06/2014
Attachments	applicant_20141106175009.pdf(4158693 bytes)

The term CRONUT in class 30 was created by Dominique Ansel at his bakery located at

189 Spring Street in New York City on May 10, 2013. An Exhibit in support of this fact is attached as Exhibit 1.

2. Denied.
3. Admit.
4. Admit.
5. Answering ¶ 5 of the Notice of Opposition, Applicants admit that they are seeking the registration of the trademark CRONUT and that Opposers' subsequent registration—which was filed after the extensive global media coverage of Applicants' trademark application and which followed the widely covered success and fame of Applicants' original pastry product—is substantially identical to Applicants' mark, but otherwise deny each and every allegation contained therein.
6. Applicants admit that their trademark application for CRONUT encompasses doughnuts, but otherwise deny each and every allegation in ¶ 6 of the Notice of Opposition.
7. Applicants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 7 of the Notice of Opposition—specifically, whether “the goods set forth in Applicants' CRONUT application are or will be advertised, promoted, sold, and distributed to customers who are the same customers to which Opposers said CRONUTS donuts are advertised and sold.” Since Applicants can neither admit nor deny the allegations as written, Applicants therefore deny the allegations.
8. Applicants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 8 of the Notice of Opposition. Since Applicants can neither admit nor deny the allegations as written, Applicants therefore deny the allegations.
9. Denied.

10. Denied.
11. Denied.
12. Applicants repeat and reallege paragraphs 1 through 11 hereof as though fully set forth herein. Applicants also submit and present to the panel that on October 3, 2014, the Trademark Trial and Appeal Board dismissed Opposers' descriptiveness claims in its holding of Applicants' Motion to Dismiss. Accordingly, Applicants object to Opposers' attempt to re-enter the descriptiveness claim into the record and as an issue in this action.
13. Applicants admit that the term CRONUT refers to the hybrid donut/croissant pastry created by Chef Dominique Ansel and sold at his bakery in New York and around the United States of America. See Exhibit 2.
14. Denied. See Exhibit 3.
15. Denied. See Exhibit 3.
16. Denied. See Exhibit 3.
17. Denied. See Exhibit 3.
18. Denied.
19. Applicants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 19 and therefore deny these allegations.
20. Denied.
21. Denied.
22. Applicants repeat and reallege paragraphs 1 through 21 hereof as though fully set forth herein.
23. Denied.
24. Denied.

25. Applicants repeat and reallege paragraphs 1 through 24 hereof as though fully set forth herein.
26. Admit.
27. Admit.
28. Applicants admit to their counsel's use of the TM symbol in correspondence sent to Opposers' counsel to address Opposers' infringement of Applicants' rights. Since Applicants can neither admit nor deny further the paragraph as written, Applicants deny the remaining allegations.
29. Denied. Applicants utilized the ® only after receiving the Registration Certificate from the USPTO and subsequently made a good faith effort to remove the registration symbol from bakery materials upon learning of the clerical error at the USPTO. In fact, Opposers' own Exhibit 1 attached to their Notice of Opposition illustrates that in the tag line and heading of the website where Applicants seek to inform and educate customers about the CRONUT pastry—titled Cronut 101—Applicants are using the TM and **NOT** the ®. A true and correct copy of Applicants' website dated October 31, 2014 is attached as Exhibit 4.
30. Denied.
31. Applicants repeat and reallege paragraphs 1-30 hereof as though fully set forth herein.
32. Admit.
33. Denied.
34. Denied.
35. Denied.
36. Denied.

37. Denied.

38. Denied.

39. Denied.

AFFIRMATIVE DEFENSES

Applicants assert that the following affirmative defenses bar Opposers' requested relief in their Second Amended Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE—Failure to State a Claim

Opposers' fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE—Laches, Waiver, Acquiescence, & Estoppel

Applicants have been using the Mark and developing consumer recognition and goodwill therein since at least May 10, 2013, such use being open, notorious, and known to Opposers and such knowledge, in turn, being known to Applicants. During this time, Opposers failed to take *any* action to assert the claims on which they base their Opposition, on which inaction Applicants have relied to their detriment. Opposers' claims are consequently barred by the doctrines and equitable defenses of laches, waiver, acquiescence, and estoppel.

THIRD AFFIRMATIVE DEFENSE—Acquired Distinctiveness

As a result of Applicants' continuous use of the Mark since the time of Applicants' adoption thereof, the Mark has developed significant local, regional, and international goodwill and fame among the consuming public as well as consumer acceptance of the services offered by Applicants in conjunction with the Mark. Such goodwill and widespread usage has caused the Mark to acquire distinctiveness with respect to Applicants, and caused the Mark to be a valuable asset of Applicants. To date, Applicants have received accolades from *Time* Magazine, *People* Magazine, *Vogue* Magazine, and most recently, The Tribeca Disruptive Innovation Award.

Support of this goodwill, distinctiveness, and secondary meaning can be found in the document attached hereto as Exhibit 5.

FOURTH AFFIRMATIVE DEFENSE—Lack of Standing

Opposers lack standing to assert claims surrounding the CRONUTS trademark. Opposers have not established title to the mark CRONUTS and have failed to establish a real interest and reasonable belief for an equal right to use the mark for goods. ***Zero*** evidence was submitted with this Notice of Opposition to illustrate ***any*** prior usage of the term CRONUTS and more specifically, any prior usage of the term Cronuts in Class 30. Crystalline Management has not asserted any facts to support or illustrate ***any*** relationship, use, or title to the mark CRONUTS or this Notice of Opposition. Najat Kaanache is a former chef at Private Social—an establishment that has since closed and, thus, is no longer in business. Opposers have failed to illustrate any intellectual property rights in CRONUTS. Accordingly, they lack standing to assert any claims via the Notice of Opposition.

FIFTH AFFIRMATIVE DEFENSE—Unclean Hands

Opposers have unclean hands. On or around June 10, 2013, Opposers engaged in drastic and overt measures to intentionally and wrongfully divert Applicants' customers, fans, and professional colleagues through actions intended to cause consumer confusion, including *inter alia*, by the use of the same Mark. It was not until Dominique Ansel received fame and monetary success from his original CRONUT pastry creation that Opposers' sought to a) trademark the term CRONUTS; b) resurrect an appetizer that it had discontinued and which was undeniably ***unrelated to a hybrid croissant doughnut pastry*** and was in fact a crawfish croquette on some days and a crab patty on others; c) change the entire formulation of its previous croquette in an attempt to directly mimic the Applicants' unique creation in a dubious effort to

bamboozle both the USPTO and customers; and d) file for classification with the USPTO under International Class 30 *after* Dominique Ansel filed for trademark registration of the name CRONUT, despite the fact that the Opposers' alleged product had been discontinued from its menu and was a seafood product that—if it were to be trademarked at all—belonged in International Class 29. Opposers have also altered the product configuration of their product to more closely resemble Applicants in a bad faith effort *to cause* the exact likelihood of confusion that Opposers now allege in this Notice of Opposition. Opposers' only goals in these efforts have been to hijack the rightful trademark ownership rights from Dominique Ansel and to serve as “trademark trolls” in an unscrupulous attempt to preclude Dominique Ansel from receiving his rightful federal trademark protection.

SIXTH AFFIRMATIVE DEFENSE—Opposers' Use is Generic & Descriptive

Opposers' rights in and to the portion of its alleged CRONUTS trademark are generic or, in the alternative, merely descriptive of the goods or services offered under the mark. Opposers' alleged mark is therefore inherently unprotectable absent acquired distinctiveness, which the alleged CRONUTS as used by Opposers lacks. Opposers' alleged mark was never used as a designation of the source of Opposers' goods or services, but by their own statements to the press and submissions to the USPTO was a general description of an item on a menu.

SEVENTH AFFIRMATIVE DEFENSE--Fraud

Opposers have conducted and continue to engage in fraudulent behavior as it pertains to the CRONUTS trademark. Opposers have stated to the United States Patent and Trademark Office and to the press that they created CRONUTS as a contraction for “creative doughnuts”—despite the absence of ANY EVIDENCE in support of Opposers' assertions. The CRONUTS allegedly sold by Opposers were not doughnuts, but croquettes made of fish—a food item that belongs in a

different class of goods and which Opposers knew were not to be classified under Class 30 and certainly were not “creative doughnuts”.

Opposers alleged CRONUTS were briefly sold as appetizers, were classified as croquettes, and were *never identified* as creative doughnuts. Opposers have not had continuous usage of the name CRONUTS and discontinued the item on their menu until learning of Applicants’ famous pastry. Yet, after Opposers discontinued the alleged CRONUTS, and after the success, fame, and press surrounding Dominique Ansel, Opposers resurrected their crawfish product and subsequently and significantly changed the product aesthetically and via the recipe to attempt a blatant replication of Dominique Ansel’s unique creation including the material misrepresentation to the press and the USPTO that they were the priority users of the name CRONUTS. Opposers’ statements and representations to the USPTO are not true. Opposers’ ongoing deception and material misrepresentations to the United States Trademark and Patent Office has not ended with this Notice of Opposition, but has continued via their attempts to procure CRONUTS applications in other categories—again in an effort to leach off of the success of Award Winning Chef, Dominique Ansel.

Opposers have sought to move additional “CRONUTS” related applications forward in the books category despite initiating the adjudication of these marks before the panel and with knowledge that a pending application for Mr. Ansel is before the USPTO in the same category. Even within the content of this Notice of Opposition, blatant misrepresentations have been submitted in an effort to needlessly delay, distract, and misrepresent the truth to this panel. Opposers’ own media references included within their Notice of Opposition supports the registration of the CRONUT mark for Dominique Ansel and cites his innovation, creativity, and responsibility for the creation of the distinct pastry, the Cronut pastry. Yet, Opposers’ fraudulently have sought to play fast

and loose with the facts, the truth, and the USPTO's time. Applicants and the USPTO have relied and continue to rely on Opposers' representations to both the USPTO's and Applicants' detriment and the Opposers' continuous fraudulent behavior should not be rewarded.

EIGHTH AFFIRMATIVE DEFENSE—Abandonment/Non-use

Applicants are responsible for the creation, introduction, and invention of the CRONUT pastry, but even if Opposers' allegations in the Notice of Opposition were true, Opposers are barred from relief under the doctrines of abandonment/non-use. Opposers have stated to the press that they first used the term CRONUTS as an item on a menu for the restaurant Private Social in Dallas, Texas. However, Opposers stopped using the name CRONUTS to describe its appetizer in spring of 2013 when they changed the menu at Private Social and advertised a new permanent "Awesome Texas Food" menu. Opposers removed CRONUTS from the menu thereby ceasing to both serve and sell them. Opposers had no intention of using the name "CRONUT" again or resuming use in any fashion—that is, until Applicant Dominique Ansel independently created his unique pastry across the country, created the name CRONUT pastry for his hybrid croissant/doughnut pastry, registered to trademark the name, gained fame and accolades for his inventiveness, and Opposers decided to capitalize off of his success. Prior to Applicants' fame and the success of Dominique Ansel's CRONUT pastry, Opposers had stopped using the name CRONUT as a description on its menu for seafood croquettes with no intention of using it again. Accordingly, they are barred from relief.

NINTH AFFIRMATIVE DEFENSE—Failure To Police The Trademark

Opposers are barred from relief because Opposers have failed to police their alleged rights in the CRONUT trademark. Although Applicants assert that Opposers never used the Mark as a source identifier when it was an alleged menu item in Texas, even if they did, upon

information and belief, Opposers have failed to effectively police its trademark against confusing or similar marks. In fact, upon information and belief, Opposers have failed to police the mark at all. Upon information and belief, Opposers have neglected to send demand letters to any third-parties alerting them to Opposers' alleged rights in the mark and their interest in asserting those rights nor have they requested that third-parties cease and desist with the use of the Mark that they purport to have rights to in this Notice of Opposition. Opposers are aware of third-party use as the reports of third-parties using the "Cronut" term have been publically referenced in the press, yet, *the only time* Opposers have sought to assert any claim or right to the Mark was after it became famous and only then with the singular purpose of usurping the proper rights of the Applicants—Opposers have failed to address any other third-party in the policing of this mark.

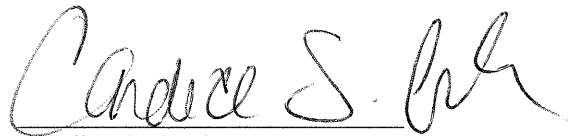
Applicants hereby give notice that they may rely on any other defenses that may become available or appear proper during discovery, and hereby reserve their right to amend this Answer to assert any such defenses.

Applicants hereby appoint Candice S. Cook, a member of the Bars of the State of New York and Texas at the firm The Cook Law Group PLLC/ 77 Water Street, 8th FL/ New York, New York 10005/ Tel: TEL: (646) 722-4166/ Email: csc@ca-coglobalinc.com, to act as attorney in the matter of the opposition identified above, to prosecute said opposition, to transact all business in the Patent and Trademark Office, and in the United States courts connected with the opposition, to sign her name to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

WHEREFORE, Applicants request that the Trademark Trial and Appeal Board deny and dismiss the Opposition and grant all other appropriate relief to Applicants as it deems just. Applicants pray as follows:

- (a) this opposition be dismissed;
- (b) that pending applications with the registration Nos. 86008577 and 85961168 be cancelled and/or denied; and
- (c) permit registration of Applicants' proposed mark in Application Serial Number 85936327 in the United States Patent and Trademark Office.

Dated this 6 of November, 2014



Candice S. Cook
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New York, New York 10005
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Email: csc@ca-coglobalinc.com

ATTORNEY FOR INTERNATIONAL
PASTRY CONCEPTS, LLC AND
DOMINIQUE ANSEL

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the ANSWER TO NOTICE OF OPPOSITION, AND AFFIRMATIVE DEFENSES was served on Counsel for Opposer by certified mail and first class mail at the address below:

Robert B.G. Horowitz
Attorney for Opposers
45 Rockefeller Plaza
New York, New York 10111

Dated: Nov. 16, 2014

By: Candice S. Cook

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Email: csc@ca-coglobalinc.com

ATTORNEY FOR
INTERNATIONAL PASTRY
CONCEPTS, LLC AND
DOMINIQUE ANSEL

CERTIFICATE OF ELECTRONIC FILING

The undersigned certifies that this submission (along with any paper referred to as being attached or enclosed) is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA) on this 6th of NOVEMBER, 2014.

Dated: Nov. 6, 2014

By: Candice S. Cook

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ATTORNEY FOR
INTERNATIONAL PASTRY
CONCEPTS, LLC AND
DOMINIQUE ANSEL

EXHIBIT 1

Engines of Innovation | May 9, 2013 2:10 p.m.

Introducing the Cronut, a Doughnut-Croissant Hybrid That May Very Well Change Your Life

By Hugh Merwin



Beneath this rose glaze lies some pretty genius pastry engineering. Photo: Courtesy of Dominique Ansel Bakery

Starting tomorrow, this round, glazed thing you see before you will be added to the permanent collection at **Dominique Ansel Bakery**. Because it's part croissant and part doughnut, the pastry chef is, appropriately, calling it a cronut. (Go ahead, say *cwaahh*-nut, you know, French style.) Each one of these puppies is made from pastry dough that's been sheeted, laminated, proofed, then fried like a doughnut and rolled in flavored sugar. But that's not all: Cronuts-to-be are also filled with a not-so-sweet Tahitian vanilla cream, given a fresh coat of rose glaze, and bedazzled with rose sugar. Got it? Good. Let's briefly examine the sheer implausibility and engineering genius that goes into each one of these things.

First off, call your friendly neighborhood pastry chef and ask him or her what happens when you try to fry croissant dough. It's not pretty. Even if the laminated layers don't separate instantly and part ways in the hot oil six ways to Sunday, chances are that yeast-leavened dough will have a lumpy, sad, and uneven ascent before it ever gets to the golden brown stage. Ansel says it took around ten recipes and adjustments to multiple variables of time and temperature before he found a special trick to sheeting the dough, then learning to fry it in grapeseed oil at one specific (and somewhat secret) temperature.

The fried cronut looks like this on the inside:



Don't flake out. *Photo: Courtesy of Dominique Ansel Bakery*

To finish, it's filled with cream, another feat that's also a bit difficult to pull off in a pastry that has a punched-out center hole. The finished cronut tastes a lot like a classic glazed doughnut, but pretty much more awesome, and its layers peel apart like those in a mille crepe cake.*

Ansel's ongoing work with **religieuses** and his reinvention of the **fraisier** already had us convinced that the pastry chef routinely dares to dream at his Soho shop and is never content to rest on his macarons (though those are also very good), but this is just sort of nuts. It's a bold step forward for pastry.

Cronuts are \$5.00 apiece and go on sale tomorrow at the bakery, just in time for Mother's Day. Flavors will change: Next month's cronut will have lemon maple glaze, maple syrup cream, and slightly salted sugar on the sides.

Dominique Ansel Bakery, 189 Spring St., nr. Thompson St.; 212-219-2773

Earlier: Anatomy of a Cake: Will Cotton and Dominique Ansel's Fraisier Debuts in Soho

: It should be noted that cronuts do not share any pastry DNA with members of the **endangered cupcake family.*

11/5/2014

Introducing the Cronut, a Doughnut-Croissant Hybrid That May Very Well Change Your Life -- Grub Street

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EXHIBIT 2

EATER

City NEW YORK

TOP STORIES

PLACES

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EATER INSIDE

Quality Italian Just Keeps Going and Going and Going



HOT HOT HEAT!

The Queens Heatmap: Where to Eat Right Now



HOT HOT HEAT!

The Brooklyn Heatmap: Where to Eat Right Now



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CRONUT MANIA

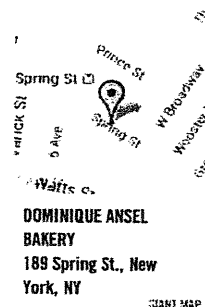
This Morning's Cronut Line Was One for the Record Books

Friday, August 2, 2013, by Greg Morabito



Photo: Instagram/kristinavanni

People have been lining up to buy Cronuts since May, when Dominique Ansel first introduced the delicious croissant-doughnut hybrid at his Soho bakery. At first the lines stretched west, then Dominique shifted the line to the east, and then it started curling around the Thompson Street Playground. But this morning, the line stretched past the park, and soon it might even cross Prince Street.



SOHO

CRONUT MANIA

CRONUTS

DOMINIQUE ANSEL

DOMINIQUE ANSEL BAKERY

TOP

77 COMMENTS

Switch

EATER DATING SEE MORE DATES →



HOW ABOUT WE... drink sangria and swap travel stories.

NEW LISTINGS AT EATER JOI

- Sous Chef at the girl & the fig
- Executive Chef at Cullen's

FOLLOW EATER NY

WHERE TO EAT

- Eater's 38 Top Restaurants [MAP](#)
- Heatmap: Where to Eat in Manhattan [MAP](#)
- Heatmap: Where to Eat in Brooklyn [MAP](#)
- Heatmap: Where to Eat in Queens [MAP](#)
- Heatmap: Where to Drink Cocktails [MAP](#)
- Heatmap: Where to Drink Wine [MAP](#)
- Heatmap: Where to Eat Brunch [MAP](#)
- Robert Sietsema's Neighborhood Guides
- New York's Michelin Stars [MAP](#)
- New York's Underrated Restaurants [MAP](#)
- New York's Best Drunk Food [MAP](#)
- New York's Best Late Night Specials [MAP](#)
- New York's Best New Business Lunches [MAP](#)
- A Guide to New York's Secret Restaurants

Dominique Ansel's recent appearance on *Late Night with Jimmy Fallon* might have something to do with this.

In other Cronut news, Ansel is now selling a "Crolanthropy" t-shirt, with proceeds going to benefit the Food Bank For New York City. If you wear this shirt in the Cronut line, you can buy twice as many Cronuts as the average customer, and buying one shirt will feed 50 New Yorkers. Good deal, all around.

Here are more pics of this morning's insane line:



[Photo: Instagram/Amandafaymous]



[Photo: Instagram/Marsgirrrr]

A Guide to New York's Secret Bars
Where to Eat at John F. Kennedy Airport
Where to Eat at LaGuardia Airport
Where to Eat at Newark Liberty Airport



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NEWS BY NEIGHBORHOOD

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East Village
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Flatiron District
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Gramercy
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Hell's Kitchen/Clinton
Hudson Square
Inwood/Wash. Heights
Lower East Side
Meatpacking District
Midtown
Midtown East/Kips Bay
Murray Hill
Noho/Central Village
NoLiTa
Roosevelt Island
Soho
Times Square
Tribeca
Union Square
Upper East Side
Upper West Side
West Chelsea
West Village

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QUEENS

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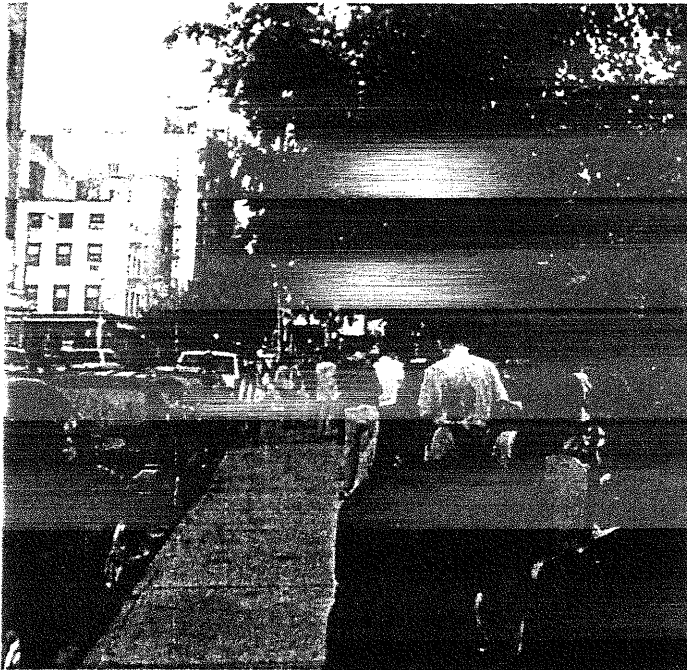
All archives

FROM OUR PARTNERS

Taste the Rainbow: Veggie-Filled Spring Rolls

Dessert Doesn't Get Much Better Than This Summer Fruit Cobbler

Is the Ramen Burger the New Cronut?



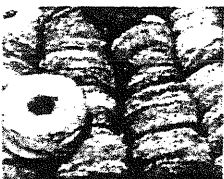
[Photo: Twitter/shelbs82]



[Photo: Instagram/missnicoleataei]

· All Coverage of Cronuts [-ENY-]

RELATED LINKS



Cronut Mania



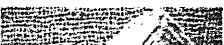
Healthy Sunless Tanner
Putting Tanning Salons Out
Of Business
Tan Physics



Balthazar Is Closed and
We're all Doomed



Going... Going... Gone!
iPads for Under \$40?
QuiBids



Sweet and Spicy Candied Nuts

Philadelphians Really Miss Restaurant's Old, Racist Name

Seamless-GrubHub Delivery Juggernaut Agrees to End
Exclusivity Arrangements

Cops Responding to Coffee Store 'Robbery' Discover
Worst-Planned Film Shoot Ever

Stomach Virus Linked to Bagged Salad at Olive Garden and
Red Lobster



PREFERENCES

· Open external links in new tabs?

EXHIBIT 3

The chart below demonstrates that the articles Opposers submitted in paragraphs 14-17 in their Second Amended Notice of Opposition goes counter to their claims and instead confirms that Dominique Ansel invented the Cronut pastry. Specifically, the chart identifies specific quotes from the Opposers' own article submissions, virtually all of which expressly state that Dominique Ansel created the Cronut pastry. The chart also includes quotes that show that the mark "Cronut" is synonymous with Dominique Ansel's unique and distinctive hybrid of croissant and doughnut—not Opposers' sweet and savory doughnuts. The evidence will be referenced as follows: (1) source of the document; (2) title of the article, blog, video or web page; (3) web address; and (4) date of publication if the accurate date is available for reference.

<u>Source</u>	<u>Title</u>	<u>Web Address</u>	<u>Date</u>	<u>Quote(s)</u>
Mail Online	<p>Make your own Cronuts: DIY manual allows food-craze fans to avoid the lines by making their own sugary treats at home</p> <ul style="list-style-type: none"> • The always-sold-out pastries can now be made from the comfort of your own kitchen • Invented by baker Dominique Ansel, cronut fans have taken over SoHo standing on line for hours • They have even spawned an underground baked goods-based economy 	http://www.dailymail.co.uk/news/article-2389350/Cronut-recipe-Avoid-lines-stay-home-Cronuts-masses.html	8/11/2013	<p>"First sold by the Dominique Ansel Bakery in New York, the croissant-doughnut that took over the city's SoHo neighborhood earlier this year can now be made from the comfort of your own kitchen..."</p> <p>"Invented by French baker Dominique Ansel and sold at his SoHo bakery since June, cronuts fans spend hours each morning on line to buy the famous pastries - which usually sell out shortly after the bakery's 8am opening.</p> <p>Cronuts have even spawned an underground economy, with pricey delivery services springing up on Craigslist."</p>

<u>Source</u>	<u>Title</u>	<u>Web Address</u>	<u>Date</u>	<u>Quote(s)</u>
Blog "Sorted Food"	How To Make Cronuts	https://sortedfood.com/recipe=2558	Unknown from Cite	"Cronuts are a mix between a croissant and a doughnut/donut, and are the most gorgeous sweet treats that have been taking over Manhattan and London for the last couple of months! Dominique Ansel may have started them..."
Blog "About Food"	DIY Homemade Cronuts	http://gourmetfood.about.com/od/dessertrecipes/r/Diy-Homemade-Cronuts.htm	Unknown from cite	"The original Cronut was invented by Chef Dominique Ansel in his New York bakery."
Wikihow	How To Make Cronuts	http://www.wikihow.com/Make-Cronuts	Unknown from cite	"A cronut is a crazy, delicious hybrid between a croissant and donut."

EXHIBIT 4

DOMINIQUE ANSEL BAKERY

100 Spring St. New York, NY 10012 | 212.279.8274

Home • The Chef • The Menu • Contact Us • Online Boutique • News • Contact

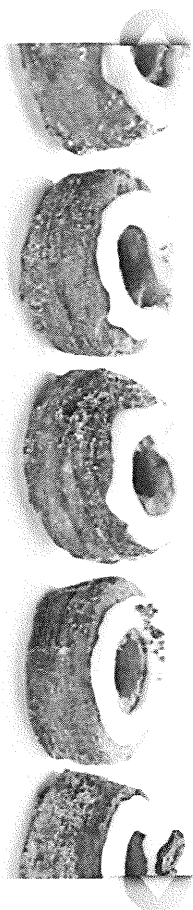
Google

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SHOP ONLINE

Online Boutique

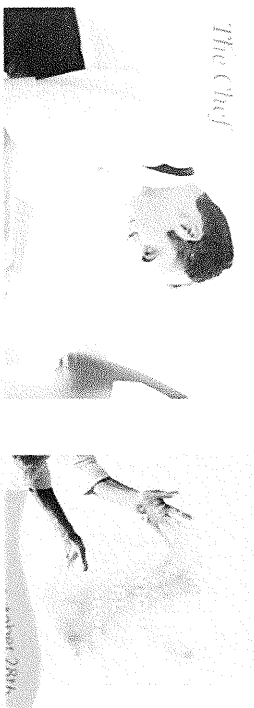
Currently not participating



*The Crown® - Just a crown, but definitely
the most chic party centerpiece for your birthday*



The Chef



The Menu

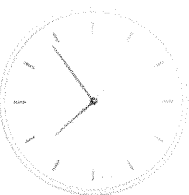


Confit

Friday, October 31, 2014

October, 2014						
Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
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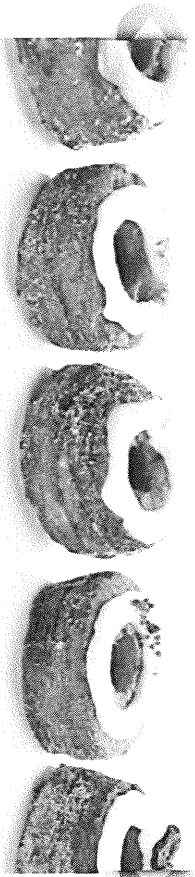
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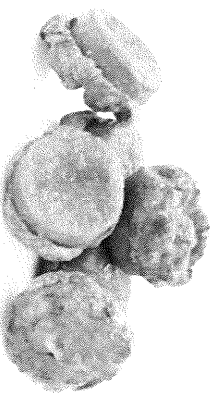
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The Menu



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EXHIBIT 5

FINANCIAL TIMES

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July 26, 2013 7:15 pm

Crème de la crème puff



By Vanessa Friedman

What the Cronut and the Birkin have in common



Dominique Ansel at work

Regular readers will know that every once in a while I like to pause for a moment from tracking the visual economy and think, instead, about another phenomenon I call the fashionisation of life. This is the tendency of those outside the fashion industry to apply its principles to their own products, whatever they may be.

I'm talking about industries such as technology, publishing – even the bicycle business – that have become, on one level or another, accessory industries. The latest example of the trend is the food industry.

Before you say anything, yes, I know there are fashions in food but that is not the same thing as food treated like fashion. For the former, see anything from sushi to fusion to Tex-Mex. For the latter, I give you the cronut.

For anyone who didn't read last week's travel pages, the cronut is a breakfast pastry invented by French chef Dominique Ansel and sold from his bakery in New York's SoHo. These doughnut/croissant hybrids filled with cream cost \$5 each.

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Tales of queues for cronuts, the cronut black market, and the various wannabe cronuts are now legendary. Cronuts are trending on Twitter. As a Tiffany collection was unveiled last week in New York, cronuts were displayed for visitors with the same fanfare as a \$1.5m diamond ring.

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Does this sound familiar to you?

Note, I am speaking not to consumers of food but to consumers of fashion, who should recognise the above markers in the time it takes to say, "Object of desire". The key to understanding the cronut phenomenon is not to think of it as a comestible at all but to think of it as an It bag.

In many ways, the cronut reminds me of an Hermès Birkin bag. US Vogue acknowledged this overtly, tweeting: "Our favourite French imports – the ring, the shoe, the bag, the dress, and, of course, the cronut."

Consider the bakery's online description of the cronut: "Taking 2 months and more than 10 recipes, Chef Dominique Ansel's creation is not to be mistaken as simply croissant dough that has been fried. Cronuts™ are made fresh daily, and completely done in house. The entire process takes up to 3 days."

It is original! It is a secret! It's all about hand work and effort!

Of course, hand work is a basic tenet of the luxury industry, because it both justifies a high price, and because it connects a contemporary product to the idea of tradition and human creation, which in turn bestows brand equity (as Hermès well knows). Hand work also creates another reality, that by necessity only a certain number can be made. Exclusivity, of course, is yet another defining principle of luxury. As is scarcity. Something is special because not everyone can get it.

...

But that's just the beginning. Each month a new, single flavour of cronut is released – June was lemon maple, this month is blackberry, next month has not been revealed. This gives customers a reason to come back every few weeks and own the bragging rights of being one of the few to have tasted every flavour. Ask any analyst, and they will tell you a similar strategy of flash sales – promising now-you-get-it, tomorrow-you-won't – has been responsible for Prada's success in Asia.

The bakery also has instructions about the ritual of eating, and even cutting, a cronut; do it wrong, and you screw up the whole thing. In other words, only people who really understand the art of these treats will fully appreciate them.

Finally, there is the trademark. Unlike the last food fashion, the cupcake, the cronut has officially been registered as intellectual property; cupcakes, by contrast, are a general food item that a variety of different people elevated into a fad.

This creates a situation where people are seduced into obsession, thanks to what behavioural scientist and Harvard Business School professor Francesca Gino calls "selfsignalling". This is the willingness to go to what seems like risible lengths to secure an object because the process of doing so demonstrates that they are imbued with certain qualities they hold dear, which in this case is insidership and an understanding of value. It's the same urge that underpins the entire luxury industry; as various executives I talk to always say, they aren't selling anything anyone needs, so they have to sell "the dream".

It's a genius move. By transforming a breakfast pastry into a luxury, Ansel has made it transcend the whole concept of food and – let's be honest – fat. I mean, the thing is a quazillion calories and – in a world where governments are trying to legislate the listing of nutritional content, and magazines are under fire for using too-skinny models – no one cares. That's rich, in every sense of the word.

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